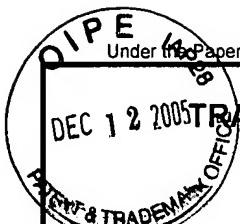


12-13-05
J. Pnw

PTO/SB/21 (09-04)

Approval for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number	10/081,938
		Filing Date	February 22, 2002
		First Named Inventor	Infantino et al,
		Art Unit	3761
		Examiner Name	Stephens, Jacqueline P.
Total Number of Pages in This Submission	15	Attorney Docket Number	HANN-0002

ENCLOSURES <i>(Check all that apply)</i>		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance communication to (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181(a)
<input type="checkbox"/> Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Name	Hoffman Warnick & D'Alessandro
Signature	
Printed name	Ronald A. D'Alessandro
Date	December 12, 2005
	Reg. No. 42,456

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Signature			
Typed or printed name	Linda T. Sagarese	Date	December 12, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Infantino et al.

Docket No.

HANN-0002

Application No.
10/081,938Filing Date
02/22/2002Examiner
Stephens, Jacqueline P.Customer No.
23550Group Art Unit
3761

Invention: INCONTINENCE ARTICLE HAVING A BUMPER

DEC 12 2005

I hereby certify that the following correspondence:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. SECTION 1.181(a)

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December 12, 2005

(Date)

Linda T. Sagarese

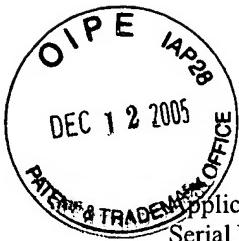
(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Infantino *et al.* Dkt. No: HANN-0002
Serial No.: 10/081,938 Examiner: Stephens, Jacqueline P.
Filed: 02/22/2002 Art Unit: 3761
Title: INCONTINENCE ARTICLE HAVING A BUMPER

Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 C.F.R. § 1.181(a)**

Sir:

This Petition is being filed subsequent to the Notice of Abandonment mailed November 1, 2005.

Applicants submit that the Notice of Abandonment citing Applicants' alleged failure to timely file a proper reply to the Office letter mailed on January 27, 2005 is improper, and respectfully submit:

- 1) On March 28, 2005, Applicants filed, via facsimile, an After Final Amendment in response to the Office letter. In Applicants' reply, the claims were amended to rewrite the independent claims to include the subject matter in the dependent claims deemed allowable by the Examiner in the Office letter.
- 2) On April 21, 2005, Applicants, pursuant to receipt of an Advisory Action dated April 14, 2005, conducted a telephonic interview with the Examiner to determine the Examiner's reasons that the claims were still not allowable.
- 3) On April 22, 2005, Applicants filed, via facsimile, a Replacement After Final Amendment in response to the Office letter. Applicants' Replacement After Final Amendment included the recommendations that the Examiner gave Applicants in the telephone interview of April 21, 2005 for bringing the application into condition for allowance. Applicants' Replacement After Final Amendment was filed with a Certificate of Transmission by Facsimile that is signed and dated April 22, 2005. Applicants received an Auto-Reply Facsimile Transmission from the United States Patent and Trademark Office (USPTO) that indicated that the Reply was received on April 22, 2005 at 2:28:57 PM. Applicants also received a transmission report from their own facsimile machine indicating that the transmission was successful.

4) Between April 22, 2005 and June 1, 2005, Applicants made repeated inquiries with the Examiner in an attempt to determine why no response had been docketed in PAIR. The Examiner repeatedly stated that docketed items often did not appear on PAIR in a timely manner.

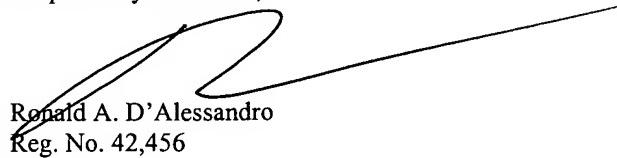
5) On June 1, 2005, Applicants resubmitted, via facsimile, their Replacement After Final Amendment with the USPTO. Applicants included with the resubmitted Replacement After Final Amendment, the Auto-Reply Facsimile Transmission and the transmission report associated with the original submission of the response. As indicated by the date on the attached Amendment, Certification of Facsimile Transmission and Auto-Reply Facsimile Transmission, the Amendment was filed by facsimile with the USPTO on April 22, 2005, prior to the due date under the three-month statutory period based on a Final Office Action mailing date of January 27, 2005. The Replacement After Final Amendment is docketed on PAIR with a date of June 1, 2005.

6) Subsequent to June 1, 2005, Applicants contacted the Examiner numerous times to determine why the original filing date was not indicated on PAIR. The Examiner indicated that she had contacted docketing about the situation and that there was nothing further that Applicants needed to do to correct the situation. Also, the Examiner assured Applicants that "the ball was in her court" because a response had been timely filed, and there was therefore no need for Applicants to be concerned about possible abandonment of the application.

7) In the ten day period before October 4, 2005, the Examiner proposed, via telephone, an Examiner's Amendment that she said would make the case allowable. Applicants and the Examiner agreed on the substance of the Examiner's Amendment on October 4, 2005. Accordingly, Applicants expected to receive a Notice of Allowance on the case, shortly, but the Notice of Allowance was never received.

In light of the above, Applicants submit that they have timely filed a proper amendment and have diligently attempted to ensure that it had been received and was sufficient to make the application allowable. To do so, Applicants have filed and resubmitted their Replacement After Final Amendment and have made continuous contact with the Examiner. Accordingly, Applicants request withdrawal of the holding of abandonment in the above-referenced patent application.

Respectfully submitted,



Ronald A. D'Alessandro
Reg. No. 42,456

Date: December 8, 2005

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

Auto-Reply Facsimile Transmission



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Cover
Page

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APR 22 2005 13:31 518 449 0047 HOFFMAN WARNICK & ALESSANDRO LLC #3188 P.0C1			
CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)		Docket No. HANN-0002	
Applicant(s): Infantino et al.	Filing Date 03/22/2002	Examiner Stephens, Jacqueline	Group Art Unit 3761
Invention: INCONTINENCE ARTICLE HAVING A BUMPER			
<p>I hereby certify that this <u>REPLACEMENT AFTER FINAL AMENDMENT</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>703-972-9306</u>) on <u>04/22/2005</u> (Date)</p> <p>Daryl L. DeLisle (Typed or Printed Name of Person Signing Certificate) <u>Daryl L. DeLisle</u> (Signature)</p>			
<p>Note: Each paper must have its own certificate of mailing.</p>			



CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)				Socket No. HANN-0002	
Applicant(s): Infantino et al.					
Application No. 10/081,938	Filing Date 02/22/2002	Examiner Stephens, Jacqueline	Group Art Unit 3761		
Invention: INCONTINENCE ARTICLE HAVING A BUMPER					
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TX RESULT REPORT

NAME: HOFFMAN WARNICK D ALESSANRO LLC
TEL : 518 449 0047
DATE: APR 22' 2005 13:31

SESSION	FUNCTION	NO.	DESTINATION STATION	DATE	TIME	PAGE	DURATION	MODE	RESULT
3166	TX	01	USPTO	APR.22	13:31	010	00H02'09"	ECM	OK

CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)

Applicant(s): Infantino et al.

Docket No.

HANN-0002

Application No.
10/081,938Filing Date
02/22/2002Examiner
Stephens, JacquelineGroup Art Unit
3761

Invention: INCONTINENCE ARTICLE HAVING A BUMPER



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REPLACEMENT AFTER FINAL AMENDMENT

(Identify type of correspondence)

is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. 703-872-9306)

on 04/22/2005
(Date)**Darci L. DeLisle**

(Typed or Printed Name of Person Signing Certificate)

A handwritten signature in black ink that reads "Darci L. DeLisle".

(Signature)

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Reply under 37 CFR 1.116
Expedited Procedure
Technology Center 3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Infantino et al.

Conf. No.: 6412

Serial No.: 10/081,938

Art Unit: 3761

Filing Date: 02/22/2002

Examiner: Stephens, Jacqueline

Title: INCONTINENCE ARTICLE
HAVING A BUMPER

Docket No.: HANN-0002

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLACEMENT AFTER FINAL AMENDMENT

Madam:

I. INTRODUCTORY COMMENTS:

This paper is being filed in response to the Final Office Action dated January 27, 2005 and replaces the After Final Amendment filed March 28, 2005. Please amend the above-referenced patent application as follows:

Amendments to the Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

II. AMENDMENTS TO THE CLAIMS

1. (Currently Amended) An incontinence article, comprising:
 - a front portion for wearing adjacent to a front of a user;
 - a rear portion joined to the front portion, the rear portion for wearing adjacent to a rear of the user; and
 - a front guard extending above the rear portion vertically from a waist area of the front portion to a middle chest area of the user; and
 - a bumper extending to transversely opposite side edges along a longitudinally outer edge of at least one of the front portion guard and the rear portion.
2. (Currently Amended) The article of claim 1, ~~further comprising a front guard extending above the rear portion vertically from a waist area of the front portion to a middle chest area of a user,~~ wherein the bumper is positioned along a longitudinally outer edge of the front guard.
3. (Currently Amended) The article of claim 1, further comprising a back guard extending above the front portion vertically from a waist area of the rear portion to a middle back area of a the user, wherein the bumper is attached along a ~~top~~ longitudinally outer edge of the back guard.
4. (Previously Presented) The article of claim 1, wherein the bumper is positioned along the longitudinally outer edge of the front portion.

5. (Previously Presented) The article of claim 1, wherein the bumper is positioned along the top longitudinally outer edge of the rear portion.

6. (Original) The article of claim 1, wherein the bumper is a block.

7. (Original) The article of claim 1, wherein the bumper is a roll.

8. (Previously Presented) An incontinence article, comprising:

a front portion for wearing adjacent to a front of a user, the front portion having a front guard extending vertically from a waist area to a middle chest area of a user;

a rear portion for wearing adjacent to a rear of the user, the rear portion having a back guard extending vertically from a waist area to a middle back area of a user;

a crotch portion between the front portion and the rear portion; and

a bumper extending to transversely opposite side edges along a longitudinally outer edge of at least one of the front guard and the back guard.

9. (Previously Presented) The article of claim 8, wherein the bumper is positioned along the longitudinally outer edge of the front guard.

10. (Previously Presented) The article of claim 8, wherein the bumper is positioned along the top longitudinally outer edge of the back guard.

11. (Original) The article of claim 8, wherein the bumper is a roll.

12. (Original) The article of claim 8, wherein the bumper is a block.

13. (Previously Presented) The article of claim 8, wherein a first bumper is positioned along the longitudinally outer edge of the front guard, and wherein a second bumper is positioned along the longitudinally outer edge of the back guard.

14. (Canceled).

15. (Canceled).

16. (Canceled).

17. (Canceled).

18. (Canceled).

19. (Canceled).

20. (Previously Presented) An incontinence article, comprising:

a rear portion for wearing adjacent to a rear of a user;

a front portion for wearing adjacent to a front of a user, the front portion having a front guard extending above the rear portion vertically from a waist area to a middle chest area of a user;

a crotch portion between the front portion and the rear portion; and

a bumper extending to transversely opposite side edges along a longitudinally outer edge of at least one of the front guard and the rear portion.

21. (Previously Presented) The article of claim 20, wherein the bumper is positioned along the longitudinally outer edge of the front guard.

22. (Previously Presented) The article of claim 20, wherein the bumper is positioned along the longitudinally outer edge of the rear portion.

23. (Previously Presented) The article of claim 20, wherein a first bumper is positioned along the longitudinally outer edge of the front guard, and wherein a second bumper is positioned along the longitudinally outer edge of the rear portion.

24. (Previously Presented) The article of claim 20, wherein the bumper is a roll.

25. (Previously Presented) The article of claim 20, wherein the bumper is a block.

26. (Previously Presented) The article of claim 1, wherein the bumper is absorbent.

27. (Previously Presented) The article of claim 8, wherein the bumper is absorbent.

28. (Canceled).

29. (Previously Presented) The article of claim 20, wherein the bumper is absorbent.

III. REMARKS

Claims 1-13, 20-27 and 29 are pending in this application. By this amendment, claims 1 and 2 have been amended and claims 14-19 and 28 have been canceled. These amendments are being made to facilitate early allowance of the presently claimed subject matter. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

Entry of this Amendment is proper under 37 C.F.R. 1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claims 1-3, 5, 14, 15, 26 and 28 are rejected under 35 U.S.C. §102(b) as being anticipated by Roe *et al.* (U.S. Patent No. 5,989,236), hereafter “Roe.” Claims 6, 7, 18, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Roe. Claims 8-13, 20-25, 27 and 29 have been indicated as being allowable and claims 2 and 17 have been indicated as containing allowable subject matter. Applicants gratefully appreciate the indication of allowability/allowable subject matter.

Initially, Applicants thank the Examiner for the telephone interview of April 21, 2005 with their representative. In the interview, the Examiner agreed with Applicants’ representative that the amendment could be entered if the section of claim 1 beginning “...a front guard...” was

preceded by the section of claim 1 beginning "...a rear portion..." and the term "the front portion" in claim 1, line 8 was replaced with the term "the front guard."

The Office has objected to claims 2 and 17 as being dependent upon a rejected base claim, but states that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant has amended independent claims 1 to include the limitation "...a front guard extending above the rear portion vertically from a waist area of the front portion to a middle chest area of a user," of claim 2. Furthermore, in accordance with the recommendation of the Examiner, Applicants have amended claim 1 to recite "...a bumper extending to transversely opposite side edges along a longitudinally outer edge of at least one of the front guard and the rear portion." Applicants have also amended claims 1 and 3 to correct minor informalities. Accordingly, Applicant asserts that the subject matter of amended claim 1 and all dependent claims is allowable. Accordingly, Applicant respectfully requests withdrawal of the rejections and allowance of the claims.

IV. CONCLUSION

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,


Ronald A. D'Alessandro
Reg. No.: 42,456

Date: 7/13/05
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RAD/hew